

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of the Application of CATALINA RED & WHITE CRUISES, INC., a California Corporation, for a certificate of public convenience and necessity to operate as a vessel common carrier between Long Beach and Los Angeles (San Pedro), California, on the one hand, and all points and places on Santa Catalina Island, on the other hand, and between all points and places at and within three miles of Santa Catalina Island; and request for interim operating authority.

Application 01-02-026  
(Filed February 16, 2001)

**ADMINISTRATIVE LAW JUDGE'S RULING**

Applicant was granted interim authority to operate scheduled and nonscheduled service between Santa Catalina Island and the cities of San Pedro and Long Beach by Decision 01-09-061. A final decision on the application is pending.

On November 8, 2001, Protestant Inlandboatmen's Union of the Pacific, Marine Division, International Longshore and Warehouse Union, AFL-CIO (Protestant) filed a petition to set aside submission and reopen the proceedings for taking of additional/evidence. Accompanying this petition is a sworn declaration of Marco Vuoso, former captain and mate on the Catalina King and Catalina Countess, alleging personally observed safety violations in the operation of the Catalina King. Accompanying this declaration is a written report of these asserted violations and the regulations claimed to be violated.

On November 26, 2001, Applicant Catalina Classic Cruises, Inc. (Applicant) filed a response to Protestant's petition, including sworn declarations of a captain and captain/engineer of the Catalina King refuting the allegations in Protestant's petition. On November 30, 2001, Protestant filed a further declaration asserting additional observations of safety violations or improper boat management.

The response of Applicant asserts that the petition to set aside submission contains false and misleading statements. This presents a question of fact that I am not comfortable in deciding when the subject concerns safety of the present and future passengers to be served. Whether the events as described in Protestant's Petition occurred, and whether these are violations of regulations or in any way indicate unsafe operations is a matter that should more properly be addressed in a public hearing.

**IT IS RULED** that:

1. Protestant's petition to set aside submission and reopen proceedings is granted.
2. The reopened proceedings will be restricted to issues of safe operations of Applicant.
3. Hearings on this matter will be held at the earliest possible time so that this matter may reach a final decision before the beginning of this year's tourist season.

Dated January 22, 2002, at San Francisco, California.

/s/ SHELDON ROSENTHAL

Sheldon Rosenthal  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling on all parties of record in this proceeding or their attorneys of record.

Dated January 22, 2002, at San Francisco, California.

/s/ JEANNIE CHANG

Jeannie Chang

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.